

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu  
(Legislature Department)

LA/B/1987/1984

The following Report of the Select Committee on Bill No. 11 of 1982 — The Goa, Daman and Diu Preservation of Trees Bill, 1982 is hereby published for general information in pursuance of the provisions of Rule 229 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

(Bill No. 11 of 1982)

A

#### BILL

*to provide for the preservation of trees in the Union territory of Goa, Daman and Diu.*

#### COMPOSITION OF THE SELECT COMMITTEE

##### CHAIRMAN

1. Shri Pratapsingh R. Rane — Chief Minister.

##### MEMBERS

2. Shri R. T. Prabhu.
3. Shri R. D. Khalap.
4. Shri V. P. Gaonkar.
5. Shri D. F. Desai.
6. Shri V. A. Naik.
7. Shri T. Pereira.
8. Shri Luizinho Faleiro — By invitation.

##### SECRETARIAT

1. Shri M. M. Naik — Secretary, Legislature.
2. Smt. Prabha Chandran — Under Secretary, Legislature.

#### GOVERNMENT REPRESENTATIVES

1. Shri J. Sagar — Development Commissioner.
2. Shri U. D. Sharma — Secretary, Law & Judiciary.
3. Shri S. K. Sharma — Conservator of Forests.
4. Shri B. S. Subbanna, — Under Secretary (Drafting).

#### Report of the Select Committee

I, the Chairman of the Select Committee to which Bill No. 11 of 1982 (a Bill to provide for the preservation of Trees in the Union territory of Goa, Daman and Diu) was referred, having been authorised by the Committee to submit the report on its behalf, present its report with the Bill as amended by the Committee annexed hereto.

2. The Bill was introduced in the Legislative Assembly on the 31st March 1982. On the 27th July 1982, when the Bill came up for consideration, the Chief Minister, the Minister-in-charge of the Bill, moved under Rule-139, that the Bill be referred to a Select Committee and this Committee was accordingly constituted.

3. The Committee held in all 12 sittings. In its preliminary meeting held on the 1st October, 1982, the Committee decided to invite suggestions from the Members of the Legislative Assembly and also from public. Accordingly, Honourable Members of the Legislative Assembly were requested through Bulletin Part-II and members of the public by a press note to send their amendments and suggestions, if any, on or before the 6th November, 1982. No suggestions were received from the Hon. Members. Hon. Speaker has however directed the Committee to consider the provisions of the Private Member's Bill tabled by the Hon. Member Shri Luizinho Faleiro alongwith the official Bill, and to invite Shri Luizinho Faleiro during its deliberations. Accordingly, Shri Luizinho Faleiro was invited to attend the meetings of the Committee. Two suggestions were received from the public. The Committee also called for the copies of similar Acts enacted by other State Legislatures to have a comparative study of the provisions contained in the Bill.

4. The Committee decided to consider the Bill, clause by clause, keeping in view the suggestions received from the public and the provisions con-

tained in Shri Faleiro's Bill. Meanwhile, on the 30th March, 1983, during the debate on the Short Notice Question No. \*939 regarding forest cutting, the House desired the Committee to give an interim report to the Hon'ble Speaker giving thereby the guidelines on which an Ordinance can be promulgated by the Government as an immediate measure to control the wanton destructions of forest. Accordingly, an interim report was presented to the Speaker on the 16th April, 1983 based on which the Administrator has promulgated an Ordinance on the 1st July, 1983. Since the Committee could not submit the report, the said Ordinance could not be replaced by an Act of the Legislative Assembly. The Ordinance was, therefore, repromulgated by the Administrator on the 22nd August, 1983, the 25th February, 1984, and the 28th April, 1984.

5. The Committee, thus had the privilege to know about the implications of the various provisions of the Bill for a short while. The provisions of the Bill were examined, clause by clause, taking into consideration the similar Acts enacted by other Legislatures, particularly, the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983. The Committee has also reconsidered the amendments made in the interim report. Wherever found necessary, changes have been made and incorporated in the draft annexed to this report. The observations of the Committee with regard to the important changes proposed in the Bill are enumerated in the succeeding paragraphs.

#### **Title and Preamble:**

The year of the Bill is changed to bring it in conformity with the year of passing.

#### **Clause 2(b):**

As stated in the interim report, the Committee felt that land measuring every one half of an hectare which has five or less number of trees growing on it should be defined as "blank area". Accordingly, the expression "per every half hectare" has been added at the end of the definition.

#### **Clause 2(g):**

The Committee felt that even though there are adequate provisions for dealing with vehicles unauthorisedly transporting timber, there is no specific provision relating to unauthorised transport of forest produce such as charcoal. It is, accordingly, decided to make adequate provision in the Bill to control the unauthorised transport of forest produce and, consequentially, a new sub-clause has been inserted in clause 2 to define the term "forest produce" on the lines of the definition provided in the Forest Act, 1927. The remaining sub-clauses are renumbered.

#### **Original Clause 2(j):**

The clause defines the term "tree" in order to include palms, bamboos, stumps, canes, etc. The Committee felt that the horticultural trees and other trees such as bamboos should be excluded from the provisions of the Bill. Accordingly, it is decided to delete the inclusive portion of the definition.

#### **Clause 3:**

As stated in the interim report, the Committee decided that constitution of the 'tree authority'

should be changed in order to reduce the number of official members and to give more representation to non-officials. The clause has, accordingly, been amended.

#### **Clause 4:**

The Committee retained its earlier decision to change the quorum to constitute the meeting of the 'tree authority' as three members instead of one-third and also to exclude expressly the co-opted members from the quorum to constitute the meeting. In addition, a new sub-clause has been added empowering the Chairman to exercise casting vote when there is equality of votes.

#### **Clause 8:**

Clause 8 has been amended to put restrictions not only on felling of trees and its disposal but also on the disposal of any other forest produce, such as charcoal. The Committee has also decided that the rights and liabilities in respect of the trees may be fixed only on the owner of the land and not on the occupant, and accordingly, the term "or the occupant" has been deleted from the proviso as well as from other provisions of the Bill wherever it occurs.

#### **Clause 9:**

The Committee felt that the form of applications by which the permission is to be sought to fell a tree and the documents to be produced with the application should be prescribed by the rules and, accordingly, the expression "as may be prescribed" has been inserted after the expression "attested copies of the documents".

Further, as stated in the interim report, the Committee felt that the procedure for obtaining permission to fell a tree provided in clause 9 is more cumbersome since the applications is to be routed through the Mamlatdar which may take more time. The Committee has, accordingly, decided to delete the operative part of sub-clause (2) and shift the proviso thereto to sub-clause (4) in order to empower the Tree Officer to deal with the applications independently. It is, however felt, necessary to give more time for disposal of the applications and, accordingly, the period of 30 days prescribed in sub-clause (4) has been enhanced to 60 days.

As stated above, while giving comments to clause 8, the words "or occupant" have been deleted from clauses 11 and 12 wherever they occur.

#### **Clause 14:**

As stated in the interim report, the Committee felt that the owner of the tree may be given an opportunity to express his views before his tree is given in adoption. At the same time, it is also felt that only a body corporate or an institution should be allowed to adopt trees and not individuals. Clause 14 has been amended accordingly.

#### **Clause 15:**

As decided at the time of interim report, it was felt necessary to prescribe the period within which the appeal is to be preferred, in the Act itself rather than leaving it to be prescribed by rules. The period has been, accordingly, provided as 30 days. Sub-clause (2) is proposed to be deleted as it

appears to be redundant and the proviso to sub-clause (2) is retained to form the proviso to sub-clause (1). Sub-clause (3) is also proposed to be deleted as the Limitation Act will take care of the same. In sub-clause (4), the fees prescribed is found to be high and the same has been reduced to Rs. 10/-. It is also proposed to delete sub-clause (6), (7) and (8) in accordance with the latest suggestion received from the Govt. of India to curtail the second appeal in order to avoid delay in the disposal and finalisation of cases.

#### Clause 18:

This clause empowers the Tree Officer to release the property seized if the owner of the land executes the bond for its production. The Committee felt that the form in which the bond is to be executed should be prescribed by rules in order to specify that there should be some surety for the release of the property. The clause has been amended accordingly and the term "or occupant" has been deleted as a consequential amendment, in accordance with the decision taken while considering clause 8.

#### Clause 22:

This clause prescribes the minimum and the maximum monetary limit for compounding of offences as rupees five hundred and five thousand respectively. In the interim report, the Committee had suggested to enhance the maximum limit to rupees 50,000/-. On reconsideration, the Committee felt that the minimum limit for compounding of offence should be done away with and the maximum limit may be fixed as rupees 10,000/.

#### Clause 30:

Clause 30 excludes certain areas such as Government forests and gardens from the application of the provisions of the Act. The Committee apprehends that the present drafting of the clause may allow private individuals to fell trees from the area specified in the clause. The clause has been accordingly redrafted in order to make it specific that only the areas specified therein will be excluded from the provisions of the Act and not the commission or omission of acts by private individuals in those areas.

6. The Committee also wish to recommend to the Government to exercise the power of exemption conferred on it by clause 32 of the Bill in order to exempt small areas and transportation of small quantities of firewood, such as head loads of firewood and firewood upto two cubic metres for purpose of cremation and 10 bags of charcoal etc.

7. The Committee would like to place on record its appreciation for the valuable assistance and guidance rendered to it by Shri M. M. Naik, Secretary Legislature, Shri Jagdish Sagar, Development Commissioner, Shri U. D. Sharma, Secretary, Law & Judiciary, Shri S. K. Sharma, Conservator of Forests, Shri B. S. Subbanna, Under Secretary (Drafting), Smt. Prabha Chandran, Under Secretary (Legislature) and the other concerned officers during the deliberations of the Committee and for finalisation of this report.

This report was considered and adopted by the Committee in its meeting held on the 21st June, 1984.

Assembly Hall, PRATAPSINGH RAOJI RANE

Panaji.

Chief Minister

6th July, 1984

Chairman

[Note. — Deletions made by the Select Committee are shown in square brackets and additions and substitutions made are underlined].

### The Goa, Daman and Diu Preservation of Trees Bill, [1982] 1984

(Bill No. 11 of 1982)

A

BILL

*to provide for the preservation of trees in the Union territory of Goa, Daman and Diu.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty [second] fifth Year of the Republic of India as follows: —

#### CHAPTER I

##### Preliminary

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Preservation of Trees Act, [1982.] 1984.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. **Definitions.** — In this Act, unless the context otherwise requires, —

(a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;

(b) "blank area" means any piece of land (not being under cultivation) measuring one-half of an hectare or more, which has five or less number of trees growing on it [;] per every half hectares;

(c) "Conservator of Forests" means the Conservator of Forests, Goa, Daman and Diu;

(d) "Deputy Conservator of Forests" means a Forest Officer in-charge of a Forest Division and exercising jurisdiction over the area;

(e) "Government" means the Government of Goa, Daman and Diu;

[(f) "Government garden" means a piece of land belonging to the Government which is used for growing flowers, fruits or vegetables or for planting or raising trees of any kind and includes a grove land belonging to the Government;]

(f) "forest produce" includes —

(a) the following whether found in, or brought from, a forest or not, that is to say —

timber, charcoal, caoutchouc, catechu wood-oil, resin, natural varnish, bark, lac,

mahua flowers, mahua seeds, kuth, and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say —

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);

(g) "notification" means a notification published in the Official Gazette;

(h) "rural area" means an area as specified in Schedules I and II;

(i) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bull-dozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(j) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetre in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level [and include palms, bamboos, stumps, brush woods, canes and seedlings of such trees];

(k) "Tree Officer" means a Forest Officer appointed as such by the Conservator of Forests for the purpose of this Act;

(l) "Urban area" means an area comprised in a Municipality and includes such area as may be notified as urban area by the Government from time to time for the purposes of this Act;

(m) "wood lot" means any piece of land of which trees form the main crop, the number of such trees in each hectare being not less than twenty-five;

(n) "prescribed" means prescribed by rules made under the Act;

(o) words and expressions used in this Act and defined in the Indian Forest Act, 1927, but not defined in the Act, shall have the meanings respectively assigned to them in that Act.

Central  
Act 16 of  
1927

## CHAPTER II

### Tree Authority

3. **Establishment of the Tree Authority.** — The Government shall, by notification, constitute a Tree Authority for each revenue district in the Union territory of Goa, Daman and Diu.

(2) The Tree Authority shall consist of the following members, namely: —

(i) Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government-Chairman.

[(i)] (ii) Collector of the concerned revenue District — [Chairman] Member.

(iii) Two Members of the Legislative Assembly nominated by the Government — Members.

(iv) Two Representatives of the local bodies nominated by the Government — Members.

[(ii)] Director of Agriculture or his nominee — Member.

(iii) The Chief Town Planner or his nominee — Member.

(iv) The Chief Engineer, Public Works Department or his nominee — Member.

(v) The Chief Engineer, Irrigation Department or his nominee — Member.

(vi) The Chief Electrical Engineer or his nominee — Member.

(vii) President(s) of Municipal Councils within the concerned District or his/their representative(s) or the Administrator thereof, as the case may be — Member(s).

(viii) Chairman of the Block Advisory Committee(s) in the District or their representatives — Members].

[(ix)] (v) Conservator of Forests or his nominee — Member-Secretary.

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than three representatives of non-official organisations and Government Departments having special knowledge or practical experience in the preservation of trees.

4. **Meetings of the Tree Authority.** — (1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority shall be [one third of the total number of its members.] three members referred to in sub-section (2) of section 3.

(3) No co-opted member shall have the right to vote at a meeting.

(4) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

## CHAPTER III

### Officers and Servants

5. **Appointment of Tree Officer.** — The Conservator of Forests may, [subject to the provisions of sub-section (2),] appoint one or more Forest Officers of a rank not below that of a Deputy Conservator of Forests, as Tree Officers for the purposes of this Act.

6. **Appointment of other Officers.** — The Conservator of Forests may, from time to time, appoint such other officers and servants as he may consider necessary who shall be subordinate to the Tree Officer.

#### CHAPTER IV

##### Duties of Tree Authority

7. **Duties of Tree Authority.** — Notwithstanding anything contained in [(the relevant Act or)] any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for —

- (a) the preservation of all trees within its jurisdiction;
- (b) carrying out census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;
- (c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to a minimum of five trees per hectare in the case of rural areas;
- (d) development and maintenance of nurseries, supply of seeds, sapplings and trees to persons who are required to plant new trees or to replace trees which have been felled;
- (e) planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;
- (f) organisation of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;
- (g) planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;
- (h) undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;
- (i) undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and
- (j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.

#### CHAPTER V

##### Restrictions on felling and removal of trees and liabilities for preservation of trees

8. **Restriction on felling and removal of trees.** — Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this

Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer:

Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner [or the occupant] of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

9. **Procedure for obtaining permission to fell, cut, remove or dispose of a tree.** — (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.85 metres from ground level and the reasons therefor, survey sketch showing clearly the site and survey numbers of the property.

[(2)] (2) The application shall be submitted to the Tree Officer through the revenue official of the area not below the rank of Mamlatdar who shall forward the same to the Tree Officer after verification of the documents produced in support of the ownership of the land provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.]

[(3)] (2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing refuse permission:

Provided that such permission shall not be refused if the tree —

- (i) is dead, diseased or wind-fallen; or
- (ii) is silviculturally mature provided it does not occur on a steep slope; or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic; or
- (v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or
- (vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof or any part thereof for bonafide use for fuel, fodder, agricultural implements or other domestic use.

[(4)] (3) The Tree Officer shall give his decision within [thirty] sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.



[(5)] (4) If the Tree Officer fails to communicate his permission or refusal within the period specified under sub-section [(4)] (3), the permission referred to in section 8 shall be deemed to have been granted.

[(6)] (5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

**10. Obligation to plant trees.** — Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by the Trees Officer:

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

**11. Planting of adequate number of trees in blank areas.** — (1) Every owner [or occupant] of land shall, within a period of two years from the date of commencement of this Act or within such extended period as the Tree Authority may specify in this behalf, plant trees in blank areas so as to conform to the standards specified by it under clause (c) of section 7.

(2) Where the Tree Officer is of the opinion that the number of trees in any land is not adequate according to the standards referred to in sub-section (1), he may issue a notice to the owner [or occupier] of such land [as the case may be] to show cause as to why trees as may be specified in such notice should not be planted in such land [as may be specified in such notice.]

(3) The notice referred to in sub-section (2) shall be given in such form and shall contain such particulars and shall be served in such manner as may be prescribed.

(4) The Tree Officer may, after considering the cause, if any, shown by the owner [or occupier] of such land, direct him to plant such number and class of trees as may be specified in the direction.

**12. Preservation of trees.** — (1) Subject to the provisions of section 14, it shall be the duty of the owner [or occupier] of the land to comply with an order made under section 9, or a direction issued under section 10 or section 11 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners [and occupiers] shall effectively protect all the trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner [or occupier, as the case may be] to take such measures as are considered necessary to protect trees from damage. In case of default, the tree officer may himself arrange such measures and recover the expenditure thereon from the owner [or occupier] in the prescribed manner.

**13. Implementation of order made or directions given under sections 9, 10 and 11 and recovery of expenditure on failure to comply with them.** — (1) Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 or section 11 shall start preparatory work within thirty days of the date of receipt of the order or direction, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer [concerned] may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) In case of default by such person, the Tree Officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

**14. Adoption of trees.** — Notwithstanding anything contained in this Act or in any other law for the time being in force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, after giving notice to the owner of the tree to show cause, if any, as to why the tree should not be given in adoption, [adopted], allow, by a written permission, any [individual], body corporate or institution to adopt the tree for such period as may be specified in the permission and during such period, the said [individual], body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

**15. Appeal.** — (1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10, 11 and 12 to the Appellate Authority within a period of thirty days: [such period as may be prescribed.]

[(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor.]

Provided that an appeal may be admitted after the expiry of the said period of thirty days [period prescribed therefore] if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.

[(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (Central Act 86 of 1963) with respect to computation of periods of Limitation thereunder.]

[(4)] (2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and shall be accompanied by a fee of [one hundred rupees] rupees ten.

[(5)] (3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

[(6) Where an appeal is made in time, the period for compliance specified in the order or direction of the Tree Officer shall be reckoned from the date

on which the appeal is decided against the appellant and where the appeal is allowed half the fee paid under sub-section [(4)] (2) shall be refunded to the appellant.

(7) A second appeal shall lie against any order passed in first appeal to the Tree Authority whose decision shall be final. Such appeal shall be heard by not less than three members of the Tree Authority.

(8) Every petition for second appeal shall state succinctly the grounds on which the order appealed from is attracted and shall be addressed to the Secretary, Tree Authority and be accompanied by a copy of such order unless the Appellate Authority dispenses with such order.]

#### CHAPTER VI

##### Penalties and Procedure

16. **Seizure of property.** — Where the Tree Officer has reasons to believe that an offence under this Act is committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, alongwith the tree or part thereof which has been severed from the ground or the trunk, as the case may be.

17. **Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animal used for transport of such trees.** — (1) Where any person is convicted of an offence under this Act, any timber or the tree in respect of which an offence is committed, the tools and implements used for felling, and any boats, vehicles, animals or other conveyances used for its transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements etc. and any boats, animals or other conveyances forfeited under sub-section(1) shall be disposed of by the Tree Officer in such manner as may be prescribed.

18. **Power of release property seized under section 16.** — The Tree Officer may release the [properties] property seized under section 16 if the owner [or occupant] of the land [thereof] executes a bond in such form as may be prescribed for [their] its production whenever required.

19. **Power to arrest without warrant.** — (1) Any Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, [or if] and such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case within twenty four hours of such arrest excluding

the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.

20. **Power to release person arrested.** — Any officer who has arrested any person under the provisions of sub-section (1) of section 19 may release such person on his executing a bond with proper surety to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the Police or the Forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer. [concerned where the Tree Officer is of the rank of the Deputy Conservator of Forests].

21. **Power to prevent commission of offence.** — Every Tree Officer or his subordinates or any Forest, Revenue or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any offence under this Act.

22. **Power to compound offence.** — The Government may, by notification, empower a Tree Officer [where the Tree Officer is of the rank of a Deputy Conservator of Forests] or any Forest Officer not below the rank of Deputy Conservator of Forests —

(a) to compound any offence committed under this Act on payment of —

(i) a sum [of not less than five hundred rupees and] not exceeding [five] rupees ten thousand [rupees] by way of composition for the offence which such person is suspected to have committed, and

(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed.

(b) to release any property seized or liable to confiscation, on payment of the value thereof, as estimated by such officer and the amount determined as payable for composition of the offence, as ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such Officer, the property seized and the offender, if in custody, shall be released and no further proceedings shall be taken against such offender or property;

23. **Contravention of Act to be reported by certain Officers.** — It shall be the duty of every forest officer, Panchayat Secretary, Police Constable or any Officer superior to him and every Officer of the Departments of Agriculture, Land Survey and Revenue —

(a) to give immediate information coming to his knowledge, of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests;

(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe that it is about or likely to be committed.

24. **Offences by companies.** — If the person committing an offence under this Act is a Company, the Company as well as every person incharge of

and responsible to the Company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, treasurer or other officer of the Company, such as director, manager, secretary, treasurer or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* — For the purposes of this section —

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

**25. Penalty.** — (1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Every Forest Officer or Police Officer who vexatiously and unnecessarily arrests or seizes any property on pretence of such property being liable to forfeiture under this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**26. Award of penalty or forfeiture not to interfere with other punishment.** — The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any other law.

## CHAPTER VII

### Miscellaneous

**27. Officers to be public servants.** — The officers exercising powers or discharging any duties or functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Central Act  
45 of 1960.

**28. Bar of proceedings.** — No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

**29. Executions of order for payment of money.** — Any sum, including any [moment] amount for composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

**[30. Act not to apply to certain areas.** — The provisions of this Act shall not apply to —

- (i) Government forests under the control of the Forest Department;
- (ii) a forest or forest land notified under the Indian Forest Act, 1927;
- (iii) Government Garden;
- (iv) areas declared as Wild Life Sanctuaries and National Parks, Wild Life Reserves, Shooting Blocks and other areas as provided in the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972); and
- (v) other lands and areas under the charge of the Government.]

**30. Nothing in this Act shall apply to the Government, a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927.**

**31. Power of the Government to exempt.** — Subject to such conditions, if any, as may be imposed, the Government may, if it considers it necessary so to do in the public interest, by notification, exempt any area or any species of trees from all or any of the provisions of this Act.

**32. Power of the Government for preservation of trees.** — (1) The Government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

**33. Investing Tree Officer with certain powers.** — (1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely: —

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure, 1973; Central Act  
2 of 1974.

(d) power to hold enquiries into offences under the Act and in the course of such enquiry to receive and record evidence;

(e) power to take possession of property under the Act;

(f) power to direct release of property or withdrawal of charges;

(g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.



(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate if such evidence has been taken in the presence of the accused person and recorded in the manner provided by section 274, section 276 or section 277 of the Code of Criminal Procedure, 1973. Central Act 2 of 1974.

34. Transit of felled material. — The provisions of section 41 of the Indian Forest Act, 1927 and Chapter V of the Goa, Daman and Diu Forest Rules, 1964 shall *mutatis mutandis*, apply to the transit of the felled trees under this Act. Central Act 16 of 1927

35. Power of the Government to give direction. — The Government may from time to time give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act, and such Tree Officers and other officers shall comply with the directions issued.

36. Power to make rules. — The Government may, by notification, make rules to carry out the purposes of this Act.

37. Provision of this Act to be in addition to any other law for the time being in force. — Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.

38. Repeal and saving. — (1) The Goa, Daman and Diu Preservation of Trees (No. 2) Ordinance, 1984 (Ordinance No. 2 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

#### SCHEDULE I (See section 2)

Areas comprising of land, outside the urban areas, under cultivation of coconut, areca-nuts, rubber, cocoa, cashewnut, mango, sapota or any other horticultural crop, including woodlots and land belonging to the Government and leased out in favour of others.

#### SCHEDULE II (See section 2)

Areas comprising of lands outside the urban areas other than those included in Schedule I.

Assembly Hall,  
Panaji  
23rd July, 1984

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu

LA/B/10/1988/1984

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th July, 1984 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### THE GOA, DAMAN AND DIU APPROPRIATION BILL, 1984

(Bill No. 10 of 1984)

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1984-85.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth Year of the Republic of India, as follows: —

1. Short title. — This Act may be called the Goa, Daman and Diu Appropriation Act, 1984.

2. Issue of Rs. 1,80,23,59,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1984-85. — From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate [inclusive of the sums specified in column 5 of the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1984 (Bill No. 6 of 1984)] to the sum of one hundred eighty crores twenty three lakhs and fifty nine thousand rupees towards defraying the several charges which will arise for payment during the financial year 1984-85 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation. — The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

#### THE SCHEDULE (See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1.	Union Territory Legislature and Elections —			
	Revenue ...	23,94,000	56,000	24,50,000
2.	Miscellaneous General Services —			
	Revenue ...	2,30,34,000	7,85,000	2,38,19,000

1	2	3	4	5	1	2	3	4	5
		Rs.	Rs.	Rs.			Rs.	Rs.	Rs.
3. Administration of Justice —					17. Labour and Employment —				
Revenue ...	...	35,15,000	10,000	35,25,000	Revenue ...	...	1,30,00,000	—	1,30,00,000
4. Land Revenue, Stamps and Registration —					18. Social Security and Welfare, Relief on account of Natural Calamities and Food				
Revenue ...	...	35,00,000	—	35,00,000	Revenue ...	...	1,41,64,000	—	1,41,64,000
5. State Excise, Sales Tax and Other Taxes and Duties —					Capital (including Loans) ...	...	12,31,75,000	—	12,31,75,000
Revenue ...	...	54,30,000	—	54,30,000	Total ...	...	13,73,39,000	—	13,73,39,000
6. Taxes on Vehicles —					19. Cooperation and Community Development —				
Revenue ...	...	11,60,000	—	11,60,000	Revenue ...	...	2,33,71,000	—	2,33,71,000
— Interest Payments —					Capital (including Loans) ...	...	62,65,000	—	62,65,000
Revenue ...	...	—	12,69,24,000	12,69,24,000	Total ...	...	2,96,36,000	—	2,96,36,000
7. Police and Fire Services —					20. Agriculture and Allied Services —				
Revenue ...	...	3,59,01,000	—	3,59,01,000	Revenue ...	...	6,33,20,000	—	6,33,20,000
8. Jails —					Capital (including Loans) ...	...	5,39,67,000	—	5,39,67,000
Revenue ...	...	21,90,000	—	21,90,000	Total ...	...	11,72,87,000	—	11,72,87,000
9. Stationery and Printing —					21. Irrigation and Power Projects				
Revenue ...	...	58,00,000	—	58,00,000	Revenue ...	...	21,86,00,000	—	21,86,00,000
10. Other General and Economic Services —					Capital ...	...	15,53,84,000	—	15,53,84,000
Revenue ...	...	61,10,000	—	61,10,000	Total ...	...	37,39,84,000	—	37,39,84,000
11. Pension —					22. Industries —				
Revenue ...	...	1,82,00,000	—	1,82,00,000	Revenue ...	...	1,71,47,000	—	1,71,47,000
12. Public Works, Housing and Urban Development —					Capital (including Loans) ...	...	1,70,73,000	—	1,70,73,000
Revenue ...	...	6,94,30,000	70,000	6,95,00,000	Total ...	...	3,42,20,000	—	3,42,20,000
Capital (including Loans) ...	...	5,98,90,000	—	5,98,90,000	23. Road and Water Transport Services (including Ports) —				
Total ...	...	12,93,20,000	70,000	12,93,90,000	Revenue ...	...	1,44,60,000	—	1,44,60,000
13. Roads and Bridges —					Capital ...	...	1,43,61,000	—	1,43,61,000
Revenue ...	...	3,09,00,000	—	3,09,00,000	Total ...	...	2,88,21,000	—	2,88,21,000
Capital ...	...	4,89,00,000	—	4,89,00,000	24. Tourism —				
Total ...	...	7,98,00,000	—	7,98,00,000	Revenue ...	...	58,00,000	—	58,00,000
14. Education, Art and Culture —					Capital (including Loans) ...	...	64,00,000	—	64,00,000
Revenue ...	...	20,83,81,000	—	20,83,81,000	Total ...	...	1,22,00,000	—	1,22,00,000
Capital (including Loans) ...	...	31,90,000	—	31,90,000	— Public Debt —				
Total ...	...	21,15,71,000	—	21,15,71,000	Capital (Public Debt) ...	...	—	15,05,53,000	15,05,53,000
15. Medical, Family Welfare and Public Health, Sanitation and Water Supply —					25. Loans and Advances by the Union Territory Governments —				
Revenue ...	...	13,86,99,000	—	13,86,99,000	Capital (Loans and Advances) ...	...	60,00,000	—	60,00,000
Capital ...	...	10,21,00,000	—	10,21,00,000	GRAND TOTAL ...	...	1,52,39,61,000	27,83,98,000	1,80,23,59,000
Total ...	...	24,07,99,000	—	24,07,99,000					
16. Information and Publicity —									
Revenue ...	...	27,50,000	—	27,50,000					

1	2	3	4	5
		Rs.	Rs.	Rs.
Revenue ...	...	92,72,56,000	12,78,45,000	1,05,51,01,000
Capital (including Public Debt and Loans) ...	...	59,67,05,000	15,05,53,000	74,72,58,000

#### Financial Memorandum

Provision is made in the Bill to appropriate for the services and purposes expressed in the Schedule during the financial year 1984-85 a sum of Rs. 1,80,23,59,000/-. This amount consists of Rs. 1,05,51,01,000/- on Revenue Account and Rs. 74,72,58,000 on Capital Account including Public Debt and Loans and Advances and includes also the sums specified in the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1984 (Bill No. 6 of 1984) passed by this Assembly on 27th March, 1984.

#### Statement of Objects and Reasons

The Budget for the year 1984-85 was presented to the Legislative Assembly on 26th March, 1984. The Demands for Grants have since been discussed and voted by the Assembly. This Appropriation Bill is, therefore, introduced in accordance with the provisions of sub-section (1) of section 29 of the Government of Union Territories Act, 1963, to provide for the appropriation out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, of the moneys required for the services during the financial year 1984-85.

The Administrator, has in pursuance of sub-section (1) of section 3 of the Act *ibid*, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

Panaji,  
July, 1984

PRATAPSINGH RAOJI RANE  
Chief Minister

Assembly Hall,  
Panaji

31st July, 1984. Secretary to the Legislative  
Assembly of Goa, Daman and Diu

LA/B/14/1989/1984

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th July, 1984 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa, Daman and Diu Toddy Tappers Welfare Fund Bill, 1984

(Bill No. 14 of 1984)

#### A BILL

to provide for payment of compensation and assistance to the toddy tappers for injury by accident and for other matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement. — (i) This Act may be called the Goa, Daman and Diu Toddy Tappers Welfare Fund Act, 1984.

(ii) It extends to the whole of the Union territory of Goa, Daman and Diu.

(iii) It shall come into force at once.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "accident" means accident caused during toddy-tapping operation;

(b) "Board" means the Toddy Tappers Welfare Fund Board constituted under section 6;

(c) "prescribed" means prescribed in the Scheme made under this Act;

(i) "Fund" means the Toddy Tappers Welfare Fund established under the scheme;

(ii) "Member" means a member of the Fund;

(iii) "Schedule" means the Schedule appended to this Act;

(d) "Scheme" means a scheme framed under this Act;

(e) "toddy-tapper" means a person who is engaged in toddy-tapping operation;

(f) "toddy-tapping operation" means operation of collection of palm or coconut juice (toddy) by climbing up a palm or coconut tree, for the purpose of trade or business and includes distillation of such juice.

3. Payment of compensation. — A toddy tapper shall be entitled to compensation in accordance with the Scheme:

Provided that no such compensation shall be payable —

(a) in respect of any injury which results in the disablement of the toddy-tapper for a period of less than two weeks; and

(b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to the toddy tapping operation under the influence of alcoholic drinks or drugs.

4. Toddy Tapper Welfare Fund. — (1) The Government may, by notification in the Official Gazette and after consultation with such recognised toddy-tappers associations as it may deem fit frame a scheme to be called "the Toddy Tappers Welfare Fund Scheme" and also establish a Fund in accordance with the provisions of this Act and the scheme.

(2) The Fund shall vest in, and be administered by the Board constituted under section 6.

(3) Subject to the provisions of this Act, the scheme framed under sub-section (1) may provide for all or any of the matters specified in the Schedule.

**5. Contribution to the Fund.** — The contributions which shall be made by toddy tappers to the Fund shall be 15 paise per tree per month and equal contribution shall be made by the Government:

Provided that where the amount of any such contribution is in a fraction of a rupee, it shall be rounded to the nearest rupee.

**6. Constitution of Board.** — (1) The Government may, by notification in the Official Gazette, constitute with effect from such date as may be specified therein, a Board to be called the Toddy Tappers Welfare Fund Board for the administration of the fund.

(2) The Board shall consist of such number of members as may be appointed by the Government from time to time in such manner as may be provided for in the Scheme.

(3) One of the members of the Board shall be appointed by the Government as Chairman and another member as Member-Secretary.

(4) The Board shall be a body corporate having perpetual succession and a common seal and may sue or be sued in its corporate name and shall be competent to acquire, hold or dispose of property and to execute contracts and to do all things necessary for the purposes of this Act.

(5) The Board shall administer the fund vested in it in such manner as may be specified in the scheme.

**7. Appointment of staff.** — (1) The Board may, with the previous approval of the Government, appoint such staff as it may consider necessary.

(2) The method of recruitment, salary and allowances and other conditions of service of the staff of the Board shall be such as may be specified by the Board with the previous approval of the Government.

**8. Determination of amounts due to toddy tappers.** — The Board may, by order, determine the amount due from any toddy tapper under the provisions of this Act or of the scheme and for this purpose, may, direct the Member-Secretary to conduct such inquiry as it may deem necessary:

Provide that no order determining the amount due from the toddy tapper shall be made unless the toddy tapper has been given a reasonable opportunity of being heard.

**9. Appeals.** — (1) Any person aggrieved by any decision or order passed under this Act or the scheme, may, within sixty days from the date of such decision or order, appeal against such decision or order to the Government or any other authority as may be specified by the Government in this behalf.

(2) In disposing of the appeal, the Government or the authority as specified by the Government, as the case may be, after giving reasonable opportunity of being heard: —

(a) confirm the decision or order appealed against; or

(b) reduce or enhance or annul any amount involved in the decision or order appealed against; or

(c) pass such other orders as he may deem fit and the decision of the Government or of such authority on such appeal shall be final.

**10. Mode of recovery of money due from toddy tappers.** — Any amount due from a toddy tapper in pursuance of the provisions of this Act or the scheme may be recovered in the same manner as an arrear of land revenue.

**11. Protection for acts done in good faith.** — No suit or other legal proceedings shall lie against the Board or any of its member or any other person in respect of anything which is in good faith done or intended to be done under this Act or under the scheme.

**12. Members of Board etc. to be public servant.** — Every member of the Board and every person appointed under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1890).

## SCHEDULE

(See section 4)

Matters for which provision may be made in the scheme

1. The time and manner in which contributions shall be made to the fund by the toddy tappers and by, or on behalf of the Government. The contribution which a toddy tapper may make under section 5 and the manner in which such contributions may be recovered.

2. The constitution of any committee for assisting the Toddy Tappers Welfare Fund Board.

3. The manner in which accounts shall be kept, the investment of money belonging to the Fund in accordance with any directions issued or conditions specified by the Government, the preparation of the budget, the audit of accounts and the submission of reports to the Government.

4. The conditions under which withdrawals from the fund may be permitted and any deduction or forfeiture which can be made and the maximum amount of such deductions or forfeitures.

5. The form in which a toddy tapper shall furnish particulars about himself and his family whenever required.

6. Amount of compensation in the case of death or disability of a toddy tapper.

7. The nomination of a person to receive the amount standing to the credit of a toddy tapper after his death and the cancellation or variation of such nomination.

8. The registers and records to be maintained with respect to the toddy tappers.

9. The form or design of any identity card or token for the purpose of identifying a toddy tapper and for issue, custody and replacement thereof.

10. The fees to be levied for any of the purposes specified in this Schedule.

— 6 —

11. The manner in which the member of the Board shall be chosen and appointed.

12. The condition of service, duties and remuneration of Officers appointed under this Act.

13. The safety measures which a toddy tapper may be required to adopt during toddy tapping operations.

14. Any other matter which is to be provided for under the scheme or which may be necessary or proper for the purpose of implementing the scheme.

#### Statement of Objects and Reasons

There are about 5,500 toddy tappers who have obtained tapping licences from the Excise Department. Apart from this there would be approximately another 10,000 persons who are engaged by these licencees. Predominantly, the toddy tappers are rural, self-employed persons belonging to weaker sections of the society.

Every year, there are some cases of death or disability due to accidents by fall from palm trees and the families of such toddy tappers are deprived of their bread-winners. The Workmen's Compensation Act, 1923 covers only the cases where there is employee — employer relationship. The Act does not cover a large number of such self-employed toddy-tappers in this territory.

It is, therefore, felt necessary to enact a law to provide social security to the families of toddy tappers who may suffer a fatal injury or permanent disability during the course of toddy tapping activity. The Bill seeks to provide for the setting up of a Fund for the welfare of toddy tappers by collecting of 15 paise per tree from every toddy tapper licencee and making equal contribution by the Government to this Fund.

#### Financial Memorandum

Clause 5 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Bill, 1984 provides for contribution to be paid by the Toddy Tappers to the fund at the rate of 15 paise per tree per month and an equal contribution is to be paid by the Government to the said Fund. The approximate number of palm trees tapped is 70,200 and the contribution per month will be Rs. 10,530/- and Rs. 1,26,360/- per annum.

#### Memorandum on Delegated Legislation

Clause 4 of this Bill enables the Government to frame a scheme for all or any of the matters specified in the Schedule, for the administration of the Fund. This delegation is of normal character.

Administrator's recommendation under section 23 of the Government of Union Territories Act, 1963.

In pursuance of section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Le-

gislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Toddy Tappers Welfare Fund Bill, 1984.

Panaji,  
28-7-1984.

Assembly Hall  
28-7-1984.

PRATAPSINGH RANE  
Chief Minister

M. M. NAIK  
Secretary of Legislative  
Assembly of Goa, Daman and Diu

LA/B/15/1990/1984

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th July, 1984 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Legislative Diploma No. 2070  
dated 15-4-1961 (Amendment) Bill, 1984

(Bill No. 15 of 1984)

A

BILL

to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the Union Territory of Goa, Daman and Diu.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1984.

(2) It shall come into force at once.

2. *Insertion of new article 334-A.* — After article 334 of the Legislative Diploma No. 2070 dated 15-4-1961, the following article shall be inserted, namely: —

“Article 334-A. — Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may, subject to such guidelines as the Government, may, from time to time, issue, grant on lease land for construction of houses or buildings, without auction, to any of the following categories or for purposes: —

- i) Public or Religious Institutions;
- ii) For any scheme of providing housing to the economically weaker sections;
- iii) Industrial purpose;
- iv) Government Departments or local bodies;
- v) Co-operative Housing Societies of Government servants or employees of the Comunidades;
- vi) Government servants or employees of the Comunidades;
- vii) Landless Jonoeiros;
- viii) Freedom Fighters;
- ix) Such other categories or purposes as may be notified by the Government, from time to time.



Provided that every notification issued under this clause shall be laid as soon as may be, after it is issued, before the Legislative Assembly."

#### Statement of objects and reasons

In the past, from 1970 onwards, many grants of Comunidade land have been made based on the guidelines issued by the Government from time to time. Those guidelines had been issued with the object of giving of facilities in allotment of land without auction for the purpose of construction of houses and buildings. It is felt that those guidelines should be incorporated in the Code of Comunidades itself. The present Bill seeks to achieve this objective.

The present Bill also seeks to enable a Comunidade to grant land, without auction, for specified purpose or to specified bodies for construction of houses.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Note on Delegated Legislation

Clause (IX) of the proposed new Article 334 A enables the Government to notify the categories or purposes other than those enumerated in the said Article, for whom the benefits of the said Article may be made applicable. This delegation is of normal character.

Date: 28th July, 1984.

Panaji.

**SHAIKH HASSAN HAROON**

Minister for Revenue

Date: 28th July, 1984.

Assembly Hall.

**M. M. NAIK**

Secretary to the Legislative

Assembly of Goa, Daman and Diu